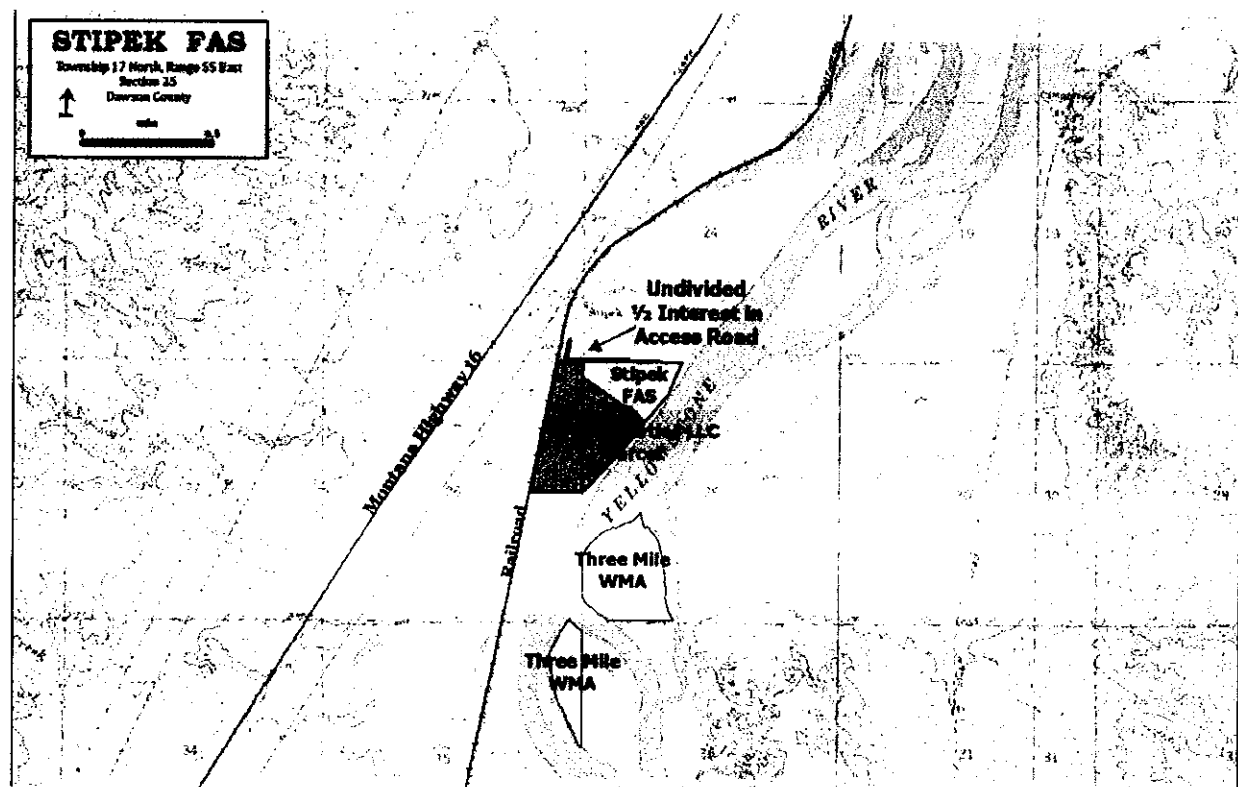
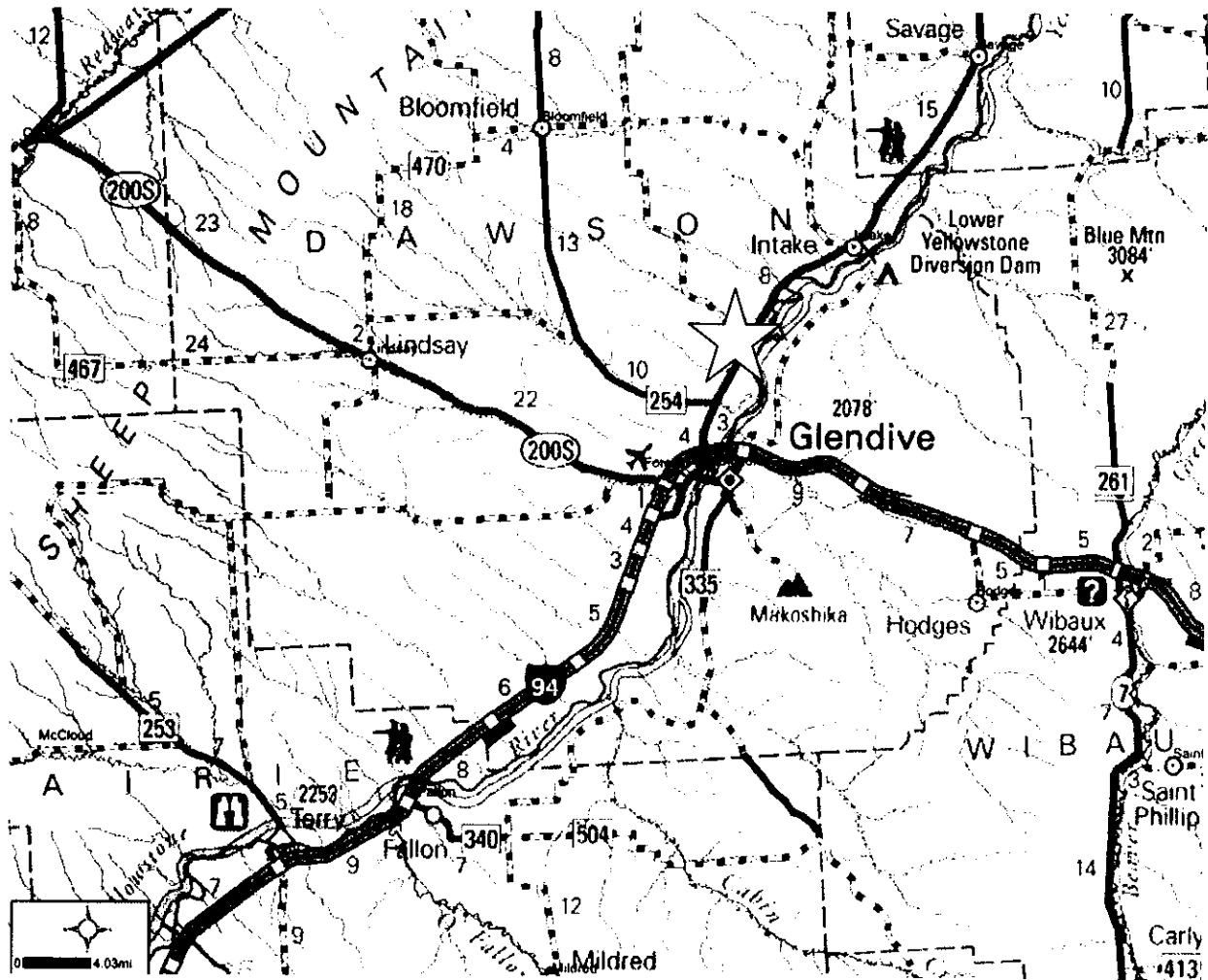


STIPEK FISHING ACCESS SITE ADDITION**Montana Board of Land Commissioners****December 2009**

Agency:	Montana Fish, Wildlife & Parks
Land Interest:	Fee Purchase
Project Description:	FWP proposes to purchase 76 acres on the Yellowstone River near the old townsite of Stipek in Dawson County, eight miles north of Glendive , as an addition to the Stipek Fishing Access Site. This site is located mid-way in the 22-mile river reach between existing FWP sites at Glendive and Intake, and provides an optimal location for public access to this secluded section of the Yellowstone River. Acquisition of the additional property will increase the riparian habitat conservation and recreational opportunities provided at this site, including river access, boating, fishing, floating access to otherwise inaccessible public lands, upland bird hunting, and wildlife viewing.
Cost/Funding:	The purchase price is \$331,000 , as indicated by an independent appraisal. The acquisition will be funded by Access Montana .
Resource Values:	This section of the Yellowstone River hosts an excellent warm-water fishery for sauger, channel catfish and other species. Habitats consist of a cottonwood-green ash forest community along the Yellowstone River, plus adjoining wetlands and pasture. Wildlife species include white-tailed and mule deer, pheasants, waterfowl, raptors, and migratory songbirds .
Use and Management:	The property is an addition to the Stipek Fishing Access Site that was purchased by FWP in September. This addition would secure full ownership of the deeded access road ; provide FWP with a range of options for boat ramp location to best accommodate variable river conditions and boat launching needs; double the shoreline for bank fishing, increase habitat and hunting opportunity , and establish a significant buffer to neighboring private land .
Process:	FWP Draft Environmental Assessment was released on October 1 for a 30-day public comment period. Nine written and several verbal comments were received, all in support of the proposal; one respondent suggested FWP seek a site upstream of Glendive. On November 12, the Department issued a Decision Notice recommending the acquisition . The Montana Fish, Wildlife and Parks Commission will give its final consideration to project approval on December 10, 2009.

STIPEK FISHING ACCESS SITE ADDITION

LOCATION MAPS



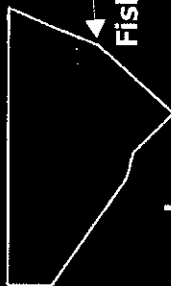
STIPEK FAS

Township 17 North, Range 55 East
Section 25
Dawson County



0 0.25
Miles

Access Road



Proposed
Addition

Stipek
Fishing Access Site



24

25

26

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: December 10, 2009

Agenda Item: Stipek Fishing Access Site (R7) Addition

Division: Parks

Action Needed: X Approval of Final Action

Time: 5 minutes

Background

FWP proposes to purchase, as an addition to the Stipek Fishing Access Site, a 78-acre parcel owned by 777 Properties and located on the Yellowstone River approximately eight miles north of Glendive. The property adjoins the existing fishing access site, and contains high-quality cottonwood-ash forest, meadows and a limited amount of crop land buffering the railroad tracks on its western boundary.

Acquisition of the 777 Properties parcel would increase the size of the Stipek FAS to 110 acres, doubling the length of Yellowstone River shoreline to over ½ mile while accommodating expanded opportunities for recreational uses. The transaction would also convey to FWP the remaining one-half interest in the access road. The price of the property is \$331,000, as determined through application of the appraisal results for the adjoining land that was purchased in September 2009 to establish the Stipek FAS. Funds for the purchase will be provided by the Access Montana program.

Public Involvement Process & Results

An environmental assessment on the acquisition of the proposed Stipek FAS addition was released on October 1, and public comment was accepted through October 30, 2009. Nine written and several verbal comments were received. Comments were all in support of the proposal, with the exception of one comment that suggested that FWP pursue acquisition of a fishing access site upstream of Glendive. On November 10, the Department issued a decision notice recommending the property purchase.

Acquisition of the 777 Properties parcel would resolve several concerns raised by the public during the acquisition of the initial Stipek FAS parcel. These include securing complete FWP ownership of the deeded access road; providing FWP with a range of options for boat ramp location to best accommodate variable river conditions and boat launching needs; and establishing a significant buffer to neighboring private lands.

Alternatives and Analysis

FWP considered two alternatives through the environmental assessment: the “no action” alternative and proposed land purchase. “No action” – that is, not acquiring the additional property – would not meet key site management needs, and could result in road-use disputes, management concerns by site neighbors and reduced recreational opportunities.

Agency Recommendation & Rationale

FWP recommends that the Commission approve acquisition of the 777 Properties parcel for the purposes of providing additional public access on the Yellowstone River, allowing for broader recreational use of the Stipek FAS, conserving important riparian habitat, increasing the buffer to neighboring private land, and permanently resolving access road ownership. If the Commission authorizes the acquisition, the Department will take the project to the Land Board for final approval.

Proposed Motion

I move that the Commission authorize the Department to purchase the 777 Properties parcel as an addition to the Stipek Fishing Access Site along the Yellowstone River north of Glendive.

DECISION NOTICE
STIPEK FISHING ACCESS SITE: PROPOSED 777 PROPERTY ADDITION
ACQUISITION

Prepared by Region 7, Montana Fish, Wildlife & Parks

November 2009

PROPOSAL

Montana Fish, Wildlife & Parks (FWP) proposes to purchase 76 acres of land plus the remaining one-half interest in the access road, as an addition to the recently acquired Stipek Fishing Access Site (FAS). The property is located just over seven miles north of Glendive near Highway 16 and has just over a quarter-mile of shoreline along the Yellowstone River. The property, currently owned by 777 Properties, LLC of Glendive, is being offered for sale for the price of \$331,000. The addition of this parcel will result in a combined acreage of about 110 acres for the Stipek FAS.

Addition of the 777 Property to the Stipek Fishing Access Site will have substantial recreational and management benefits, as follows:

- The expanded site will provide FWP with more than one-half mile of Yellowstone River shoreline, greatly increasing options for boat launch placement and providing increased capability to adapt to both seasonal changes in river flows and periodic changes in channel configuration.
- More than doubling the length of public shoreline will provide more bank fishing opportunities.
- The acreage of protected riparian forest habitat will more than double, conserving important cottonwood-ash forest for a range of native wildlife species.
- Acquisition of the property and the remaining one-half interest in the deeded access road will give FWP full ownership of the road and of the lands that the road serves, thus eliminating the potential for management or access disputes.
- The larger site will provide an increased buffer to neighboring private land, allowing FWP to locate facilities centrally within its ownership block, up to a quarter mile from other private land and buffered by forest habitat.
- The additional acreage can facilitate floating access to FWP's Three Mile Wildlife Management Area, which lies just across the river from the upstream (south) end of the proposed acquisition.

- With a combined acreage of about 110 acres, the site will provide improved hunting opportunity for upland birds, waterfowl and white-tailed deer. (FWP will consider the need for weapons restrictions for big game hunting). Opportunities for enhancing upland bird habitat through food and/or dense nesting cover plots will also be expanded.

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) PROCESS

The proposed land acquisition was the subject of the "Stipek Fishing Access Site: Proposed 777 Property Addition Acquisition Draft Environmental Assessment," which described the project and analyzed its potential effects on the human and natural environment. The environmental assessment was conducted pursuant to the Montana Environmental Policy Act (MEPA). Public comments were accepted for 30 days through November 2, 2009. The environmental assessment found that no significant adverse impacts would result from the land acquisition.

SUMMARY OF PUBLIC COMMENTS

FWP received nine written and several verbal comments to the environmental assessment. All comments, save one, supported FWP acquiring the property. The other comment was viewed as being neutral towards the acquisition, suggesting that FWP pursue acquisition of an FAS upstream of Glendive which FWP will do should a willing seller be identified.

Prior to the formal public comment period, FWP representatives also discussed the proposal with the Dawson County Commissioners in late-September 2009. The Commissioners did not voice any concerns with the proposed action.

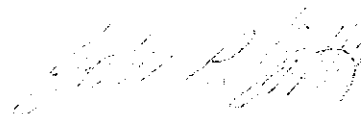
DISCUSSION

FWP believes that acquisition of the 777 Properties land will bring substantial recreational and management benefits to the Stipek Fishing Access Site as discussed above.

DECISION

After careful review of this proposal, and in consideration of the significant public recreational benefits that will derive from FWP's land purchase and of the corresponding public support, it is my recommendation that Montana Fish, Wildlife and Parks proceed to purchase the 777 Properties LLC property as an addition to the Stipek Fishing Access for \$331,000. Prior to completing the purchase, FWP will take the project to the Montana Fish, Wildlife and Parks Commission for its review

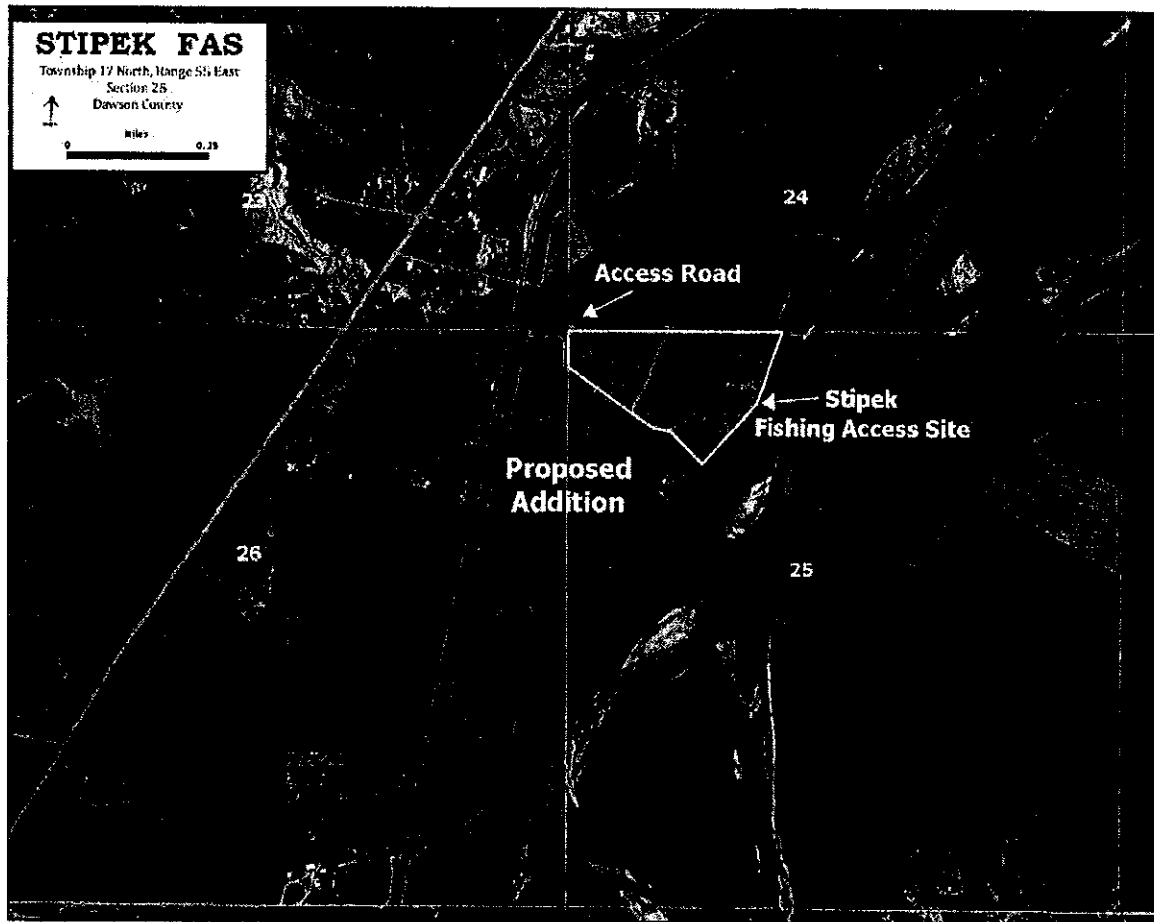
and approval. If approved by the Commission, then FWP will bring the project to the State Land Board for its required final approval.



John R. Little
Region 7 Parks Manager
Miles City, Montana
November 12, 2009

Draft Environmental Assessment

Stipek Fishing Access Site: Proposed 777 Property Addition Acquisition



October 2009



**Montana Fish,
Wildlife & Parks**

**Stipek Fishing Access Site: Proposed 777 Property Addition Acquisition
Draft Environmental Assessment
MEPA, MCA 23-1-110 CHECKLIST**

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed Action: Land Acquisition:

Montana Fish, Wildlife and Parks proposes to purchase 76 acres of land from 777 Properties, LLC, along the Yellowstone River, north of Glendive, Montana as an addition to the recently acquired Stipek Fishing Access Site (FAS). The addition of this parcel would result in a combined acreage of about 110 acres for the Stipek FAS.

2. Agency authority for the proposed action: The 1977 Montana Legislature enacted statute 87-1-605, Montana Code Annotated (MCA), which directs FWP to acquire, develop and operate a system of fishing accesses. FWP has the authority to develop outdoor recreational resources in the state per 23-2-101, MCA: *"for the purpose of conserving the scenic, historic, archaeologic, scientific, and recreational resources of the state and providing their use and enjoyment, thereby contributing to the cultural, recreational, and economic life of the people and their health."*

Furthermore, state statute 23-1-110 MCA and rule 12.2.433 Administrative Rules of Montana (ARM) guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides. ARM 21.8.602 requires the Department to consider the wishes of users and the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the proposed project in relation to this rule. See Appendix A for HB 495 qualification.

3. Name of Project: Stipek Fishing Access Site: 777 Property Addition Acquisition

4. Project Sponsor:

Montana Fish, Wildlife & Parks Region 7
Industrial Site West
PO Box 1630
Miles City, MT 59301
(406) 234-0900

5. Anticipated Timeline:

Public Comment Period:	October 2009
Decision Notice:	Mid November 2009
Consideration by FWP Commission:	December 10, 2009
Consideration by State Land Board:	January 2010

6. **Location:** Dawson County Township 17 North, Range 55 East Section 26: A tract east of the right of way line of the railroad (41.8 acres), Section 25: Tract 2 of the Lordeman Hagenston Minor Subdivision (34.63 acres), Section 24: A tract consisting of a deeded road containing approximately 1.31 acres, and Section 23: A tract consisting of a deeded road containing approximately 1.05 acres, The property is located 7.3 miles north of the Interstate overpass on Highway 16 near Glendive on the west side of the Yellowstone River adjacent to the Stipek FAS the Department recently purchased. See Figures 1, 2 and 3 for location maps.

Figure 1: Approximate Location of 777 Property Addition to Stipek FAS

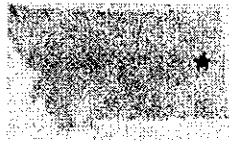


Figure 2: Highway Map Showing Proposed Acquisition Location

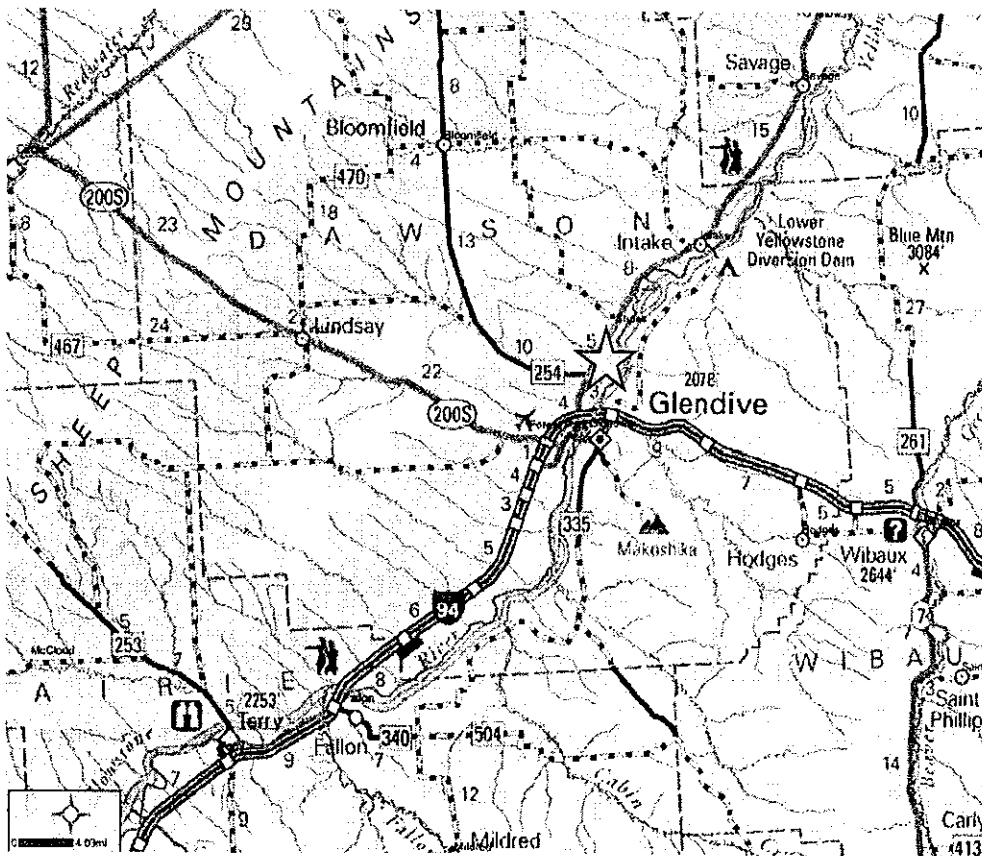
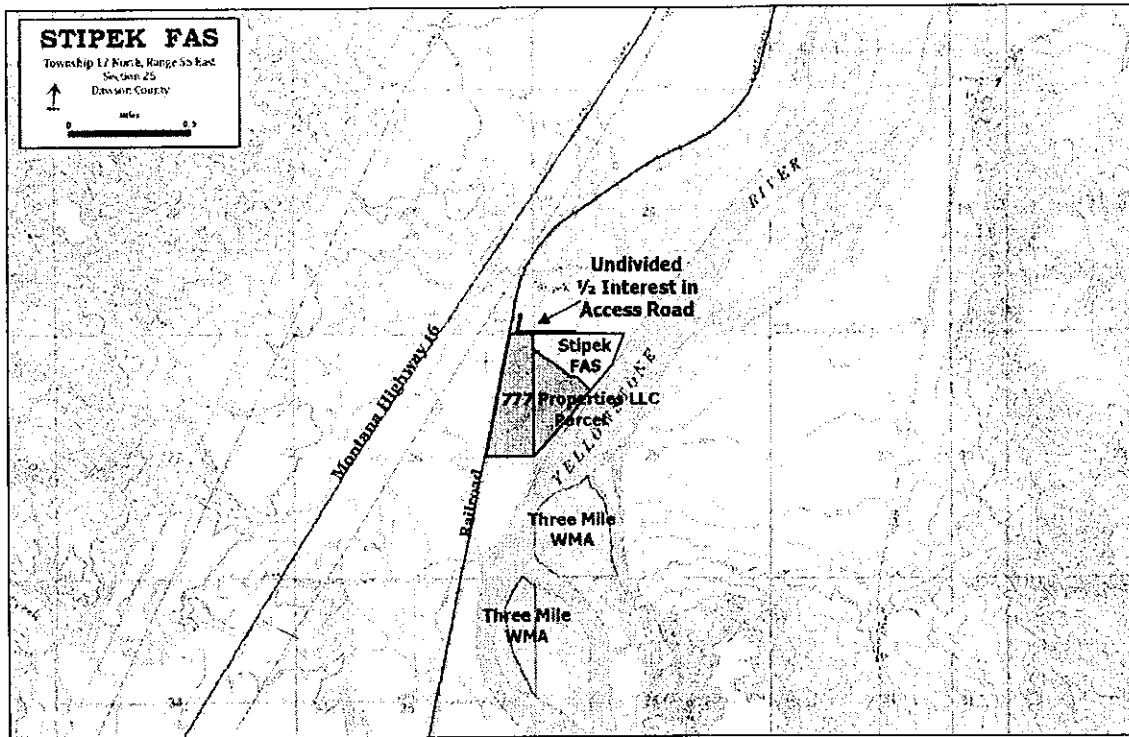


Figure 3: Topographic Map of 777 Property Addition to Stipek FAS



7. Project Size:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain/Riparian	<u>76</u>
Residential	<u>0</u>	(e) Productive:	
Industrial	<u>0</u>	Irrigated cropland	<u>0</u>
(b) Open Space/Woodlands/Recreation	<u>50</u>	Dry cropland	<u>0</u>
(c) Riparian Wetlands Areas	<u>2</u>	Forestry	<u>0</u>
		Rangeland	<u>25</u>
		Other	<u>0</u>

The entire parcel (76 acres) is in floodplain. Approximately 25 acres have been used in the past as grazing and alternately as cropland (alfalfa and brome grass mix) and the estimated 2 acres of wetland are acres included in the approximate 50 acres of open space acres. The access road consists of approximately another 2 acres.

8. Local, State or Federal agencies with overlapping or additional jurisdiction:

(a) **Permits:** All appropriate permits will be acquired prior to development.

(b) **Funding:**

FWP Governor's Access Montana Initiative Account:	\$331,000
<u>FWP Fishing Access Site Program (for weed management):</u>	<u>\$ 2,000</u>
Total Funding:	\$333,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name:</u>	<u>Type of Responsibility</u>
US Fish & Wildlife Service	Bald & Golden Eagle Protection Act
US Fish & Wildlife Service	Migratory Bird Treaty Act
Montana Bald Eagle Working Group	Montana Bald Eagle Management Plan
State Historic Preservation Office	Cultural Resources
Dawson County Weed District	Weed Inventory (See Appendix D)

9. Narrative summary of the proposed action:

Montana Fish, Wildlife & Parks (FWP) proposes to purchase 76 acres of land plus the remaining one-half interest in the access road, as an addition to the recently acquired Stipek FAS. The property is located just over seven miles north of Glendive near Highway 16 and has over a quarter-mile of shoreline along the Yellowstone River. The property, currently owned by 777 Properties, LLC of Glendive, is being offered for sale for the price of \$331,000.

Addition of the 777 Property to the Stipek Fishing Access Site will have substantial recreational and management benefits, as follows:

- The expanded site will provide FWP with more than one-half mile of Yellowstone River shoreline, greatly increasing options for boat launch placement and providing increased capability to adapt to both seasonal changes in river flows and periodic changes in channel configuration.
- More than doubling the length of public shoreline will provide more bank fishing opportunity.
- The acreage of protected riparian forest habitat will more than double, conserving important cottonwood-ash forest for a range of native wildlife species.
- Acquisition of the property and the remaining one-half interest in the deeded access road will give FWP full ownership of the road and of the lands that the road serves, thus eliminating the potential for management or access disputes.
- The larger site will provide an increased buffer to neighboring private land, allowing FWP to locate facilities centrally within its ownership block, up to a quarter mile from other private land and buffered by forest habitat.
- The additional acreage can facilitate floating access to FWP's Three Mile Wildlife Management Area, which lies just across the river from the upstream (south) end of the proposed acquisition.
- With a combined total area of about 110 acres, the site will provide improved hunting opportunity for upland birds, waterfowl and white-tailed deer. (FWP will consider the need for weapons restrictions for big game hunting). Opportunities for enhancing upland bird habitat through food and/or cover plots will also be expanded.

FWP is working with Burlington Northern Santa Fe (BNSF) Railroad and the Montana Department of Transportation to secure formal designation of the existing railroad crossing location as a public crossing. This designation will provide a permanent right for the public to drive across this low-speed (25 mph) section of railroad track and continue onto the deeded roadway that provides access to the Stipek FAS on the east side of the track. As part of the railroad crossing approval process, FWP may be required to make improvements and provide additional safety features considered necessary.

The Stipek FAS is at an ideal location for public recreation. The nearest fishing access sites to the property along the Yellowstone River are the Intake FAS, about 11 river miles downstream, and the Black Bridge FAS, 11 miles upstream. These distances equate to roughly a half-day's floating time of four to six hours.

According to the 2005 Angler Pressure Survey Report, this reach of the Yellowstone River receives approximately 18,600 angler days annually. These numbers show that this area is the third highest in the Region and ranks 38th statewide. Additional public access would likely increase the amount of use in this reach of the Yellowstone River. According to the Parks Division in Region 7, an estimated 1,500 to 3,000 annual visits might potentially occur at this location. Currently, the property is not open to public recreation use. There are over 35 species of fish present in the lower Yellowstone River adjacent to the proposed site. The most commonly encountered game species include sauger, channel catfish, and shovelnose sturgeon.

Additionally, a federally proposed fish by-pass project at the Intake diversion dam may allow paddlefish to more readily migrate upstream of the diversion. This would allow the fish to distribute more widely throughout this reach of the Yellowstone River increasing the benefit of providing additional public fishing access in the vicinity of the Stipek FAS.

Overall, the purchase and management of the parcel as an addition to the Stipek FAS will broaden the availability of public access on this high priority reach of the Yellowstone River while alleviating public pressure at nearby Intake FAS and neighboring private landowners. Acquisition of this property will also broaden opportunities for the general public to access public areas while helping to minimize recreational conflicts in the future.

The riparian and wetland habitats on this property also provide excellent opportunities for wildlife viewing, berry picking and agate hunting, hiking, photography, and nature study. Other recreational opportunities that will be made available to the public include hunting, birding, trapping, and various river activities, such as canoeing and floating.

Resource Values: This property consists mostly of high-quality riparian habitat along the Yellowstone River. Riparian and wetland communities support the highest concentration of plants and animals in Montana. This importance is highlighted in the identification of riparian areas as a Community Type of Greatest Conservation Need in the Comprehensive Fish & Wildlife Management Strategy (CFWCS, FWP 2005), and as a priority in the five-year Implementation Plan for the CFWCS. Protection and enhancement of riparian habitats is also the highest priority in FWP Region 7.

The lower Yellowstone River and its associated wetland/riparian and rangeland are highly diverse and productive wildlife habitats with documented use of at least 127 vertebrate species. The property provides year round habitat for a variety of native species of migratory birds, songbirds, waterfowl and upland game birds (pheasant, turkeys and morning doves). Various small mammals may be found throughout the site. The site shows frequent use by whitetail deer and numerous deer travel corridors are established. The site may also support travel corridors for coyotes, potentially bobcats and habitat for badger, squirrels and other small mammals. American kestrels, northern harriers, red-tailed hawks, and Swainson's hawks are common in this area. Belted kingfishers, American white pelicans and great blue herons are also found along the Yellowstone River. Two active bald eagle nests are located along the river, one is approximately six miles north and the other is about ½ mile south located on the east (opposite side of the river, on the Three Mile WMA. Two great blue heron rookeries are located a minimum of five river miles south of the FAS on the east (opposite) side of the river.

The pallid sturgeon and least tern, both federally listed threatened species, have been observed along with six other Species of Concern which are all Tier 1 species listed in the Comprehensive Strategy as species in greatest need of conservation. In Montana, riparian habitats provide breeding and nesting areas for at least 134 (55%) of Montana's 245 species of breeding birds, as well as much-needed food and resting areas for migrating birds and waterfowl (J. Ellis, Montana Audubon, 2008).

About 25 acres of the property have been used alternately for grazing or farmed cropland. The ability to manage these acres to maximize high quality food production and/or nesting cover is an important addition to the habitat diversity on this property. Cropland production consists of dry-land alfalfa.

Improvements: There are no permanent structures on the property but there is a mobile home that will be removed prior to FWP purchase of the parcel. The two semi-permanent hunting blinds will also be removed if FWP acquires the property. There is a well on the property, but is not known if the well provides a reliable water source. FWP will acquire water rights for this well as part of the land acquisition.

Management Outlook: This additional acreage will afford FWP the opportunity to mitigate neighbor's concerns of trespassing by relocating most of the access road to within the boundaries of the Stipek FAS. To further reduce trespass concerns, other needed developments would be located upstream on this parcel. The site is fenced to the north and south with the east boundary defined by the Yellowstone River and the west boundary the railroad. The fence to the south and the north is barbwire with metal posts and is in decent shape and will be maintained. In the future, there will be a designated parking area near center of the property and a road will extend from this parking area to the river.

Potential future development of this site would likely include an improved gravel access road, fencing, signage, a boat ramp, parking area, and a vault latrine. In regards to the rangeland acreage that has been used for grazing and alternately as cropland, FWP will consider leasing this land out for agricultural use, among other alternatives that will be evaluated by FWP staff. FWP wildlife biologists will be involved in the decision to determine the best use of the land/habitat. Future significant management/development activities will be addressed in a subsequent environmental assessment. Visitor compliance will be achieved through appropriate regulatory and directional signage along with enforcement efforts once the site is developed. Should this additional acreage be combined with the Stipek FAS, the site may be of adequate size to accommodate the development of a campground provided sufficient budget authority to sustain and maintain such developments is available and that other resource values aren't compromised. Prior to that time the site would be managed for day-use only.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action

Under the No-Action Alternative, FWP would not purchase the 777 Property and would not expand the Stipek Fishing Access Site. The potential benefits described in Section 9 of this report would not be achieved. Additionally FWP might face a legal challenge to public use of the access road to the recently approved Stipek FAS. In addition, the opportunity to provide site improvements in the future may be compromised as a result of having less acreage.

Preferred Alternative B: Proposed Action

Montana Fish, Wildlife & Parks (FWP) proposes to purchase 76 acres of land north of Glendive, from 777 Properties LLC, adjacent to the newly acquired Stipek FAS, together with the remaining one-half interest in the deeded access road (FWP already owns the other half-interest in the road). Through the Proposed Action, FWP would secure permanent public access to this land, as well as access to the Yellowstone River and provide an expanded area for the Stipek FAS.

This acquisition increases access to over half of a mile of a high priority reach of the Yellowstone River and provides public recreational access to several publicly

owned islands and properties, including DNRC, BLM, and FWP managed Wildlife Management Areas in the area. The acquisition will resolve any potential conflict over the access road into the adjoining property that FWP recently purchased, will provide adequate area for recreational developments to be developed far enough removed from property boundaries in order to reduce impacts on neighboring private property and will protect the high-quality riparian habitat associated with the property.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

There are control measures associated with the proposed acquisition for protection of the bald eagle nest within half of a mile of the parcel (on the opposite side of the Yellowstone River on the Three Mile WMA). While Bald eagles were officially delisted in 2007, the US Fish and Wildlife Service (USFWS) have jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). At the state level, the Montana Bald Eagle Working Group developed the Montana Bald Eagle Management Plan. The acquisition should not adversely impact the eagles and may be considered positive in that FWP will work within the established protections described above (USFWS, BGEPA, MBTA and Montana Bald Eagle Management Plan). The nest locations will be considered for future development activities to ensure the protection of the bald eagles. Overall, this acquisition would conserve animal and plant species biodiversity and secure important wildlife habitat that exists on these lands.

If acquired, FWP would incorporate this property into the FWP Statewide Integrated Weed Management Plan to manage weeds using mechanical, biological and herbicides. Increased use at the site may lead to increased weed infestations; however, implementation of a weed management program will mitigate this risk. In addition, FWP will limit vehicle usage to the access road, to confine the potential introduction of weeds to an area that is readily visible and manageable by FWP personnel. State pesticide use laws and regulations will be followed. Application records will be submitted to the Montana Department of Agriculture as required, and these records will be available upon request.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

The analysis of the physical and human environments discussed on the following pages is limited to Alternative B. The potential impacts of Alternative A are difficult to define since property management actions would remain at the discretion of the current landowner.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. **Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

The proposed acquisition will have no effect on existing soil patterns or structures.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. AIR	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		NA				

The proposed acquisition will have no effect on existing air quality.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. WATER	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ***For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		NA				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		NA				

The acquisition of the property by FWP and the property's potential development into an FAS will have no affect to water resources adjacent to the site since the site will only accommodate bank fishing and non-motorized boat use, prior to development of the site. Construction of a boat ramp will be discussed in a separate EA when the funding is available to develop the site.

The entire property is within the 100-year floodplain.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. VEGETATION Will the proposed action result in?	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				4a.
b. Alteration of a plant community?			X		YES	4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X			Positive Impact	4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		NA				

- 4a/b. FWP will evaluate alternative solutions concerning the rangeland used alternately for grazing and cropland. The landscape has both forested floodplain and riparian wetland vegetation and is dominated by mature plains cottonwoods and immature saplings, as well as green ash. Throughout the site shrubs identified include snowberry and buffalo berry. Other vegetation includes silver sage, various native grasses and smooth brome and crested wheatgrass. The acquisition should not significantly impact the plant community, however, with additional use the site would likely receive as an FAS, impacts to the plant community would be mitigated through site protection measures prior to development including signage restricting motorized vehicles to existing roadways and trails, fencing and parking area development.
- 4c. A search of the Montana Natural Heritage Program's (MNHP) species of concern database found no vascular or non-vascular plants of significance within the boundaries of the property to be acquired.
- 4e. This parcel currently has infestation of leafy spurge in approximately 10-15% of the property. See Appendix D for the Dawson County Weed Report. The proposed acquisition will not lead to the expansion of noxious weeds in the area and if the acquisition is approved, FWP would initiate the Statewide and R-7 Weed Management Plans using an integrated approach to control the noxious weeds on the property by using chemical, biological and mechanical methods. Weeds were likely historically introduced through past flood events and grazing practices. The implementation of an aggressive weed management program will facilitate the restoration of native vegetation. Motorized vehicles will be restricted to designated roads, which would help prevent the spread of noxious weeds.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 5. FISH/WILDLIFE	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?			X			5b.
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				5e.
f. Adverse effects on any unique, rare, threatened, or endangered species?			X		YES	5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		YES	5g.
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		NA				
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		NA				

The proposed acquisition will have no bearing on the game and non-game species that frequent the property and is not considered critical habitat for any species, according to FWP Wildlife Biologist Howard Burt and Regional Wildlife Manager John Ensign and may have a positive impact with the management of the land to enhance the habitat for wildlife in the area.

5b. During hunting seasons, the diversity and abundance of game animals and game birds will, as with all properties, vary from day-to-day dependent upon the amount of hunting pressure the site and neighboring properties receive.

5e. Northern and southern boundaries of the property are already fenced and will continue to be that way under FWP ownership. There is no fence between the Stipek FAS and 777 Properties LLC parcel. The site shows frequent use by whitetail deer and numerous

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

deer travel corridors are established. There will be no new impediments to the movement of animals through the parcel.

- 5f. No active Bald Eagle nests or Great Blue Heron rookery have been identified on this parcel and the acquisition would not negatively affect these sites or species according to Dean Waltee, FWP Conservation Technician and Ryan Rauscher, Native Species Biologist.

Dean Waltee noted FWP surveys conducted in 2009 identified two great blue heron rookeries and two bald eagle nests in this general area. Both rookeries are a minimum of five river miles south of the Stipek site on the east (opposite) side of the river. These rookeries should not be impacted by the proposed acquisition. One bald eagle nest is approximately six river miles north of the Stipek site and should not be impacted by the proposed acquisition. The other bald eagle nest is located about 1/2 mile south of the proposed acquisition. It is located on the east (opposite) side of the river, on the Three Mile WMA. It is difficult to determine the impacts the FAS will have on this nest, but should be minimal at most, since simply acquiring property, and may be considered positive in that FWP will work within the established protections by the USFWS and the Montana Bald Eagle Management Plan. The nest locations will be considered for future development activities to ensure the protection of the bald eagles. Overall, this acquisition would conserve animal and plant species biodiversity and secure important wildlife habitat that exists on these lands.

A search of the Montana Natural Heritage database revealed Least Tern, Pallid Sturgeon, Paddlefish, Sturgeon Chub, Blue Sucker, Sauger, Meadow Jumping Mouse, and the Spiny Softshell in the vicinity of this area (see Appendix B). The Least Tern and Pallid Sturgeon are listed as "Endangered" and the remaining species are classified as sensitive. All these species may pass through this parcel or occur in this reach of river, but is not critical habitat for any of them, according to Matt Jaeger, FWP Fisheries Biologist.

According to John Ensign, Regional Wildlife Manager, the purchase of this property will have little or no impact on these species. Least terns can be found in the general area of the 777 properties but terns typically prefer to roost, forage and nest on and along gravel islands and bars located in the Yellowstone River. At present there is no such habitat within several miles of this parcel. Meadow jumping mice could potentially occur on the property associated with the riparian bottomlands. Plans are to maintain this habitat type in present intact state, resulting in little to no impact to meadow jumping mice. Ryan Rauscher, Native Species Biologist concurs that while there is no data the meadow jumping mouse resides on this property, there is potential and as long as the meadow habitat is retained, this species would not be impacted.

- 5g. Hunting for whitetail deer and upland birds and waterfowl will be evaluated by Regional personnel who will consider the impacts on the conditions which may stress wildlife populations or limit or control the abundance of wildlife in the area and will be implemented according to the Department's hunting restrictions policy.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. Increases in existing noise levels?			X			6a.
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

- 6a. The homes nearest to this parcel are located on the other side of the railroad tracks adjacent to Highway 16 so any neighbors would be unlikely to hear noises generated by people using the fishing access site for bank fishing and floating activities. The western most portion of the access road does pass near two homes located adjacent to Highway 16. During hunting seasons, occasional gunfire may be heard at these homes. The proposed acquisition will have no change in electrical levels and will not interfere with radio or television reception or operation. Adjacent landowners will be notified and should not be affected.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

7. LAND USE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X		YES	7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

- 7a. The existing 25 acres of rangeland that has been alternately used for grazing and cropland may eventually be taken out of production and returned to its native state, which would positively impact habitat for the wildlife but also have a very minor impact on the productivity and profitability of the area. Boundary fences and boundary markers will be maintained by FWP to decrease the possibility of trespassing onto adjacent properties.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. RISK/HEALTH HAZARDS	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		YES	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		YES	8c.
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		NA				

8a. If acquired, FWP will address the noxious weeds on the property. The Statewide and the R-7 Weed Management Plans call for an integrated method of managing weeds. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe handling techniques. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination. Because of the extensive spread of invasive non-native species on the property, it will take aggressive weed management over several years to control the weeds. If no action is taken, with the property remaining privately owned, it is unknown if the parcel would be managed to control the weeds or managed at the same level as FWP provides under their weed management plan.

8c. Chemical spraying is part of FWP's integrated weed management program to manage noxious weeds. If acquired (preferred Alternative B), certified professionals would utilize permitted chemicals in accordance with product labels and as provided for under law.

A potential hazard could be created due to an increase in traffic at the Railroad crossing. However, FWP is working with BNSF Railroad to secure permission for the public to use the crossing of this low-speed (25 mph) track on a permanent basis and to complete any improvements to the crossing required to ensure that a safe at-grade crossing can be permitted. If no action is taken, a potential hazard would also exist if the public uses the crossing for unauthorized access.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

9. COMMUNITY IMPACT	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X		YES	9e.

The fee title acquisition is designed to provide for additional recreation river access. Currently the site is privately owned and not open to public recreational use. Under the preferred Alternative B acquisition of the parcel will allow public access. Adjacent landowners will be notified of the proposed acquisition.

- 9e. Increased traffic hazards could occur as a result of increase vehicular traffic to this site. However, no new roads will be developed for this acquisition and will be addressed in the future under a development environmental assessment.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?			X			10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources						10e.
f. **Define projected maintenance costs.						10f.

10b. The current landowner pays annual property taxes. FWP will make an in-lieu-of-tax payment to Dawson County in an amount equal to that of a private landowner.

10e. The proposed purchase will be paid solely through Access Montana funds. FWP may gain some revenue from a possible lease-out of the rangeland acreage that has been used alternately as cropland and for grazing, but will evaluate various alternatives prior to this decision, including for future planting of suitable habitat.

10f. Projected maintenance costs for the Stipek FAS are estimated at \$1,500 per year and would be added to the maintenance schedule of the nearby FASs' of Intake, and Black Bridge, which are also on the Yellowstone River. In addition, weed management costs are estimated about \$2,000 per year for several years, with costs reducing over time as the weeds are controlled. The weed control costs would be paid from the Fishing Access Program for the first couple of years and the region would assume costs beyond that from their maintenance budget.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				11c.
d. ***For P-R/D-J , will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		NA				

- 11c. The preferred Alternative B to acquire this parcel FWP would allow public access to this stretch of the Yellowstone River will provide ample recreational amenities and will be a destination for hiking, wildlife viewing, floating and fishing, that will alleviate public pressure from nearby Fishing Access Sites. Waterfowl hunters, deer hunters and trappers may also be allowed to use the property. If no action is taken (Alternative A) and the parcel is not acquired by FWP, these recreational benefits will not be achieved, since the property is currently not open to public recreation use. See Appendix C for the Department of Commerce Tourism Report.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. CULTURAL/HISTORICAL RESOURCES	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-I, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		NA				

No groundbreaking activities that could disturb cultural resources are going to be initiated as part of the proposed acquisition. The State Historic Preservation Office will be contacted for their clearance, prior to any future development.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		NA				
g. ****For P-R/D-J, list any federal or state permits required.		NA				

The proposed acquisition is expected to have no significant negative cumulative effects on the physical and human environments. When considered over the long-term, this action poses significant positive effects for the public's continuing access to a scenic recreation area of the Yellowstone River while decreasing conflicts that exist with those accessing the river under current conditions.

The minor impacts that were identified in the previous section are small in scale and will not influence the overall environment of the immediate area. The natural environment will continue to exist to provide habitat to migratory and resident wildlife species and will be open to the public for access to the river and the land.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART III. NARRATIVE EVALUATION AND COMMENT

The intention of FWP to acquire 76 acres along the Yellowstone River north of Glendive plus undivided interest in the access road will allow for a safe and convenient access point to the Yellowstone River at the newly acquired Stipek FAS. The proposed acquisition on the Yellowstone River would allow FWP to provide better public access to area anglers in addition to increasing other general public recreational opportunities. The prospect of a dedicated parking area and better placement for an established boat launch in the future would alleviate congestion and reduce traffic hazards caused by recreationists at nearby Intake FAS and Black Bridge FAS. These nearby FAS's would allow for easy half-day float trips both to and from the nearest upstream and downstream FAS. The proposed acquisition also would facilitate floating access to FWP's Three Mile Wildlife Management Area, which lies just across the river from the upstream (south) end of the parcel.

The proposed action (acquisition) is expected to have no significant negative cumulative effects on the physical and human environments. When considered over the long-term, this action poses significant positive effects for the public's continuing access to a scenic recreation area of the Yellowstone River while decreasing conflicts that exist with those accessing the river under current conditions.

The minor impacts that were identified in the previous section are small in scale and will not influence the overall environment of the immediate area. The natural environment will continue to provide habitat to migratory and resident wildlife species and if acquired will be open to the public for access to the river for bank and wade fishing, floating activities, waterfowl and deer hunting, trapping, hiking, wildlife viewing, berry picking and agate hunting. This environmental analysis focuses solely on the acquisition of the property. When FWP initiates development of the property, a separate environmental assessment will be completed and the public will have the opportunity to comment on proposed improvements.

PART IV. PUBLIC PARTICIPATION

1. Public Involvement:

The public will be notified in the following manner about the proposed action and alternatives and how to comment on this current EA:

- Two Public Notices in each of these papers: *Glendive Ranger Review*, *Billings Gazette*, and *Helena Independent Record*;
- One statewide press release;
- Direct mailing to adjacent landowners and interested parties;
- Public notice on the FWP web page: <http://fwp.mt.gov>.
- Copies will be available for public review at FWP Region 7 Headquarters.

This level of public notice and participation is appropriate for a project of this scope, and having few limited physical and human impacts.

If requested within the comment period, the department may arrange a public meeting.

2. Duration of comment period

The public comment period will extend for (30) thirty days following publication in area newspapers. Comments will be accepted until 5:00 p.m., October 30, 2009 and can be sent to John Little, Regional Parks Manager:

Stipek FAS: 777 Property Addition Acquisition
Montana Fish, Wildlife & Parks, Region 7 Headquarters
Industrial Site W, PO Box 1630
Miles City, MT 59301

Or email comments to: jlittle@mt.gov

PART V. EA PREPARATION

1. **Based on the significance criteria evaluated in this EA, is an EIS required? NO.**
If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, this environmental review found no significant impacts from the proposed action, to acquire the parcel from 777 Properties, LLC. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit MFWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. **Persons responsible for preparing this EA:**

John Little, FWP Region 7 Parks Manager, jlittle@mt.gov
Allan Kuser, FWP Fishing Access Site Coordinator, akuser@mt.gov
Pam Boggs, FWP EA Coordinator, pboggs@mt.gov

3. **List of agencies consulted during preparation of this EA:**

- Dawson County Weed District
- Montana Fish, Wildlife & Parks
 - Fisheries Bureau
 - Lands Section
 - Legal Unit
 - Parks Division
 - Wildlife Bureau
- Montana Department of Commerce – Tourism
- Montana Natural Heritage Program – Natural Resources Information System (NRIS)

4. Literature cited:

Montana's Comprehensive Fish and Wildlife Conservation Strategy, Executive Summary, 2005. Montana Fish, Wildlife & Parks, 1420 East Sixth Avenue, Helena, MT 59620.

Montana Audubon, "The Need for Stream Vegetative Buffers: What Does the Science Say?" J. Ellis, January, 2008 Publication.

APPENDICES

- A. HB 495 Project Qualification Checklist
- B. Montana Natural Heritage Program (MNHP) Native Species Report
- C. Tourism Report – Department of Commerce
- D. Dawson County Weed District Letter

APPENDIX A
HB495
PROJECT QUALIFICATION CHECKLIST

Date: September 7, 2009

Person Reviewing Pam Boggs

Project Location: 777 Property T17N, R55E, sections 25 and 26 in Dawson County

Description of Proposed Work: Montana Fish, Wildlife & Parks proposes to acquire 76 acres near Highway 16 about 8 miles north of Glendive plus and a undivided interest in a deeded access road on the west side of the Yellowstone River, adjacent to the Stipek FAS.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Please check all that apply and comment as necessary.)

- ☐ **A. New roadway or trail built over undisturbed land?**
Comments: No roadways or trails.
- ☐ **B. New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: No new construction.
- ☐ **C. Any excavation of 20 c.y. or greater?**
Comments: No excavation.
- ☐ **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: No new parking lots.
- ☐ **E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: No shoreline alteration.
- ☐ **F. Any new construction into lakes, reservoirs, or streams?**
Comments: No new construction.
- ☐ **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: No construction.
- ☐ **H. Any new above ground utility lines?**
Comments: No new utility lines; will not interfere with existing utility lines in the area.
- ☐ **I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**
Comments: No camping.
- ☐ **J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?**
Comments: No.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX B

Sensitive Plants and Animals in the area of Yellowstone River 777 Properties LCC

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates no known occurrences of federally listed threatened, endangered, or proposed threatened or endangered plant species in the proposed project site. The search did indicate the project area is within habitat for the Least Tern, Pallid Sturgeon, Paddlefish, Sturgeon Chub, Blue Sucker, Sauger, Meadow Jumping Mouse, and the Spiny Softshell. Please see the next page for more information on these species.

Montana Species of Concern. The term "**Species of Concern**" includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

▼ **Status Ranks (Global and State)**

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific pollinator).

Status Ranks	
Code	Definition
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

Sensitive Plants and Animals in the vicinity of Yellowstone River 777 Properties LLC

1. *Sterna antillarum* (Least Tern)

Natural Heritage Ranks:

State: **S1B**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service: **LE**

U.S. Forest Service: **Endangered**

U.S. Bureau of Land Management: **Special Status**

FWP CFWCS Tier: 1

No Element Occurrence of the Least Tern were reported in the boundaries of this parcel.

(Least terns can be found in this area but typically prefer to roost, forage and nest on and along gravel islands and bars located in the Yellowstone River, which this habitat is not present within several miles of this parcel, according to John Ensign, Regional Wildlife Manager).

2. *Scaphirhynchus albus* (Pallid Sturgeon)

Natural Heritage Ranks:

State: **S1**

Global: **G2**

Federal Agency Status:

U.S. Fish and Wildlife Service: **LE**

U.S. Forest Service: **Endangered**

U.S. Bureau of Land Management: **Special Status**

FWP CFWCS Tier: 1

No Element Occurrence data reported of Pallid Sturgeon in this stretch of the Yellowstone River.

(Pallid Sturgeon may pass through and occur in this reach of the Yellowstone River, but is not critical habitat for this species, according to Matt Jaeger, FWP Fisheries Biologist.)

3. *Polyodon spathula* (Paddlefish)

Natural Heritage Ranks:

State: **S1S2**

Global: **G4**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: 1

No Element Occurrence data reported of Paddlefish in this stretch of the Yellowstone River.

(Paddlefish pass through and occur in this reach of the River, according to Matt Jaeger, FWP Fisheries Biologist.)

4. *Macrhybopsis gelida* (Sturgeon Chub)

Natural Heritage Ranks:

State: **S2S3**

Global: **G3**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: 1

No Element Occurrence data reported of Sturgeon Chub in this stretch of the Yellowstone River.

(Sturgeon Chub may pass through and occur in this reach of river, according to Matt Jaeger, FWP Fisheries Biologist.)

**Sensitive Plants and Animals in the vicinity of Yellowstone River 777 Properties LLC
(continued)**

5. *Cycleptus elongatus* (Blue Sucker)

Natural Heritage Ranks:

State: **S2S3**

Global: **G3G4**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: 1

No Element Occurrence data reported of Blue Sucker in this stretch of the Yellowstone River.

(Blue Sucker pass through and occur in this reach of river according to Matt Jaeger, FWP Fisheries Biologist.)

6. *Sander caadensis* (Sauger)

Natural Heritage Ranks:

State: **S2**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: 1

No Element Occurrence data reported of Sauger on in this stretch of the Yellowstone River.

(Sauger pass through and occur in this reach of the river, and is one of the most common game fish in the Yellowstone River, according to Matt Jaeger, FWP Fisheries Biologist.)

7. *Zapus hudsonius* (Meadow Jumping Mouse)

Natural Heritage Ranks:

State: **S2**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: 1

Two Element Occurrence data reported of the Meadow Jumping Mouse reported in this proximate area in 1947.

(While there is no data of this species on this parcel, there is potential for these mice and as long as the meadow habitat is retained, the species would not be impacted, according to Ryan Rauscher, Native Species Biologist.)

8. *Apalone spinifera* (Spiny Softshell)

Natural Heritage Ranks:

State: **S3**

Global: **G5**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: 1

Two Element Occurrence data reported of these turtles reported north of this parcel in 1806 and again in 2006.

Information from Montana Natural Heritage Program *(supplemented by FWP Biologists).*

APPENDIX C
Department of Commerce Tourism Report

TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Carol Crockett, Visitor Services Manager
Travel Montana-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Stipek Fishing Access Site: 777 Property Addition Acquisition

1. **Project Description:** FWP proposes to purchase via fee title 76 acres of land along the Yellowstone River, north of Glendive, Montana for inclusion in a recently approved new Fishing Access Site (FAS). The property adjoins the Hagenston parcel that was recently approved for acquisition as the Stipek FAS. The two parcels of land would have a combined acreage of about 110 acres. This acquisition is intended to ensure increased access to the Yellowstone River, to alleviate public pressure at existing nearby FAS sites, to provide public recreational access to several publicly owned islands and properties, including DNRC, BLM, and WMA's in and adjacent to this stretch of the Yellowstone River, and to provide adequate area for recreational developments to be developed in the future far enough removed from property boundaries in order to reduce impacts on neighboring private property.

1. Would this site development project have an impact on the tourism economy?
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to improve the quality and quantity of tourism and recreational opportunities.

Signature Carol Crockett, Visitor Services Manager Date 9/25/2009

APPENDIX D
Dawson County Weed Inspection Report

FWP Land Acquisition – Weed Inspection and Report

COMPLIANCE CHECKLIST FOR SECTION 7-22-2154, MCA

*FWP Regional Staff: Please return this form to
FWP Lands Bureau, P.O. Box 200701, Helena, MT 59620*

Property Name: Stipek Fishing Access Site

FWP Region: 7

County: Dawson

Date of Property Inspection with County Weed Management District: June 25, 2009

County Representative(s): Greg Mendenhall

FWP Staff: Dwayne Andrews

Weed Report (please use the space below and/or additional pages to describe noxious weeds present on the property, including observations of weed distribution and abundance):

Leafy spurge in ^{isolated} ~~isolated~~ spots on west flat,
fairly weed free in tree belt, intense & severe
infestation east of tree belt to the Yellowstone
River

Weed Management Plan (please use the space below and/or additional pages to indicate how noxious weeds on the property will be managed when the property is under FWP ownership. Indicate if property will be included in an FWP county or regional weed management plan):

Fall application with Plateau with emphasis
to keep infestation out of tree belt. Focus will
be on river side of tree belt. Application by
hand in spots but mostly by ATV with boom
Annual application efforts will occur

County Weed Management District Representative: I have inspected the property, and reviewed the weed situation with a representative of Montana Fish, Wildlife & Parks. I concur with FWP's weed management plan for property, as summarized above.

Signed: By Mendenhall